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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/924,540	08/09/2001	Swaminathan Jayaraman	10588-007	1989

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EXAMINER

CHANNAVAJALA, LAKSHMI SARADA

ART UNIT	PAPER NUMBER
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1615

DATE MAILED: 11/17/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/924,540

Applicant(s)

JAYARAMAN, SWAMINATHAN

Examiner

Lakshmi S Channavajjala

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 and 26-37 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 and 26-37 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

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DETAILED ACTION

Receipt of request for extension of time and amendment A dated 7-25-03 is acknowledged.

Claims 1-19 and 26-37 are pending. Claims 20-25 have been canceled.

Response to Arguments

Applicant's arguments with respect to claims 1-19 are moot have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 36 is rejected under 35 U.S.C. 102(b) as being anticipated by JP 09108111 (JP '111) in view of CN 1104036.

JP '111 discloses a teas bag comprising two filtration layers of Japanese paper or synthetic resin, wherein both the layers hold tealeaves in the inner side. The filtration bag reads on the porous sheet of the instant claim. JP '111 discloses varieties of tealeaves including green tea, oolong tea, water chestnut, safflower etc., all of which are herbs and thus read on the instant medicines. JP '111 also discloses a shelf fungus that reads on the claimed probiotic (claim 5). JP '111 discloses applying tealeaves on the filtration bag, and thus read on instant claim 1, which states medicament is applied to the sheet prior to affixing. JP '111 discloses green tea, oolong tea etc., which are known for their medicinal value (see CN 1104036).

Claim Rejections - 35 USC § 103

Claims 1-9, 18, 19, 26 and 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 4,055,668 to Kopp ('668) in view of JP 09108111 (JP '111) and CN 1104036 (CN)

US '668 teach infusion package comprising first and second compartments that are permeable and joined to one another along a common seam. The bags are arranged in face-to-face relationship and filled with tea in both compartments (col.1, col. 2, lines 19-23 and figures). US '668 does not teach incorporating any medicament in the infusion bag.

JP '111 teaches a teas bag comprising two filtration layers of Japanese paper or synthetic resin, wherein both the layers hold tealeaves in the inner side. The filtration bag reads on the porous sheet of the instant claim. JP '111 teaches varieties of tealeaves including green tea, oolong tea, water chestnut, safflower etc., all of which are herbs and thus read on the instant medicament. JP'111 also teaches a shelf fungus that reads on the claimed probiotic (claim 5). JP '111 teaches applying tealeaves on the filtration bag, and thus read on instant claim 1, which states medicament is applied to the sheet prior to affixing. JP '111 teaches green tea, oolong tea etc., which are known for medicinal value (see CN 1104036) and thus read on the claimed medicament. Further, in the abstract, JP '111 also refers to tea as crude drug tea, thus suggesting that various types of tea described by JP '111 are used for medicinal purposes.

It would have been obvious for one of an ordinary skill in the art at the time of the instant invention to add different types of tea described by JP '111 in the tea bags of Kopp because both Kopp and JP '111 teach infusion bags such as tea bags and JP '111 suggests adding tea that has a

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medicinal value (drug tea). Thus, one of an ordinary skill in the art would have expected to provide a therapeutic value along with a flavored tea.

Claims 10-17, 27-32 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP '111 in view of US 4,055,668 as applied to claims 1-9, 18, 19, 26 and 33-35 and further in view of JP 53075346 (Mori et al).

JP '111 and Kopp fail to teach a release agent (claim 10) or the specific agents of instant claims.

Mori et al teach a flavor preserving tea bag, comprising a coating over the tea bag paper. The compounds suitable for coating comprise amylose starch, cellulose derivatives, alginates, gelatin etc. Mori et al teach the coating does not affect the aroma, flavor or taste of the tea. It would have been obvious for one of an ordinary skill in the art at the time of the instant invention to add a coating of gelatin or amylose starch or edible, water-soluble high molecular weight compound because Mori et al teach that the coating materials become porous when dipped in hot water and still preserves the taste, aroma as well as the flavor of tea.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lakshmi S Channavajjala whose telephone number is 703-308-2438. The examiner can normally be reached on 7.30 AM -4.00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thurman K Page can be reached on 703-308-2927. The fax phone number for the organization where this application or proceeding is assigned is 703-308-7924.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1235.



Lakshmi S Channavajjala
Examiner
Art Unit 1615

November 12, 2003

THURMAN K. PAGE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600